

REMARKS AND DISCUSSION:

Upon entry of the present Amendment-A, claims 1-3 remain pending in the application, of which claim 1 is independent. Claims 1-3 have been amended by the present Amendment-A. Also, claims 1-3 are subjected to a Restriction Requirement under PCT Rule 13.1.

Amendments Presented

In the Claims: Claims 1-3 have been amended for idiomatic reasons, to correct minor editorial issues and also to delete the reference numerals from the claims therein.

Applicant respectfully submits that the above amendments to the claims are fully supported by the original disclosure, including the drawings, specification and claims. Applicant also respectfully submits that no new matter is introduced into the application by the above amendments because the entire subject matter thereof was expressly or inherently disclosed in the original claims, specification and drawings.

RESTRICTION REQUIREMENT

SUMMARY OF THE EXAMINER'S POSITION

Specifically, the Examiner has identified the following species:

Species A: Figures 1-3

Species B: Figures 4-6

The Examiner has required restriction to one of the identified species for examination. The Examiner has taken the position that the above noted species listed as Species A and B do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding technical features for the following reasons: The structures of species A and species B, as illustrated and disclosed, are different from one another. Furthermore, the Examiner takes the position that species A and species B are being incorporated into the brake system at different locations.

Additionally, the Examiner has indicated the claim 1 is generic.

Applicant's Response:

Initially, the applicant acknowledges the Examiner's indication and affirmation that claim 1 is generic.

Applicant respectfully traverses the Restriction Requirement in the above-identified Office Action, and requests reconsideration and withdrawal thereof. Applicant respectfully suggests that the claims are all drawn to related aspects of a single inventive concept, that the examination of the entire application would not place a serious burden on the Examiner and that, the claims of the present application should therefore not be subject to restriction.

Given the Examiner's indication that claim 1 is generic, applicant respectfully requests the Examiner to also consider and examine claims 2-3, which directly or indirectly depend from claim 1, and which therefore include all of the limitations thereof. Moreover, as the Examiner has noted in the Office Action, if a generic claim is allowed at a future date, it will then become necessary under 37 CFR 1.141, to bring all other claims related to that generic claim back into the application. Applicant therefore suggests that in order to promote efficiency and quicker prosecution of the present application it is sensible to examine all of the claims together in the present application.

Moreover, applicant respectfully points out that MPEP section 803 states that,

“If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.”

Applicant respectfully suggests that the examination of the entire application would not place a serious burden on the Examiner.

Therefore, for all of the foregoing reasons, applicant respectfully requests reconsideration and withdrawal of the Restriction Requirement.

However, notwithstanding the above, in order to fully comply with Patent Office procedures, applicant elects, with traverse, the species identified by the Examiner as Species B, encompassing claims 1-3. It is applicant's understanding and belief that each of claims 1-3 is directed to the elected species. Therefore, applicant requests examination of claims 1-3 in the present application, if the restriction requirement is maintained.

CONCLUSION

For all of the foregoing reasons, applicant respectfully requests reconsideration and withdrawal of the restriction requirement. However, as previously noted, if the restriction requirement is maintained, applicant elects Species B, and requests examination of claims 1-3 in the present application.

If the Examiner has any further questions or comments regarding applicant's response, the applicant encourages the Examiner to call applicant's representative at the number listed below.

Favorable consideration is respectfully requested.

Respectfully submitted,

Customer No. 21828

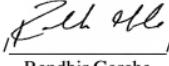
Carrier, Blackman & Associates, P.C.
43440 West Ten Mile Road
Novi, Michigan 48375
November 06, 2009



William Blackman
Attorney for Applicant
Registration No. 32,397
(248) 344-4422

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being electronically transmitted, via EFS-Web, to the United States Patent and Trademark Office, on November 06, 2009.



Randhir Garcha